

ROOT CAUSE QUARTERLY DIGEST

EEO Complaint Summaries **All Allegations Are Based On Race, Sex, And Reprisal**

I

ALLEGATIONS OF HARASSMENT **(NON-SEXUAL)**

The complainant alleges *harassment* based on *reprisal* for prior EEO activity. The complainant presented a myriad of issues, such as his displeasure with his duty hours and the reassignment of another employee. However, his main concern was that he was not selected for a promotional position and seems to now have hard feelings regarding that incident. Management stated that the complainant was not chosen for the position, because he was not the best-qualified candidate. Further, the responding managerial official states that each of the complainants issues were addressed, but that the complainant was misinformed on several of the issues. Management also provides that they have tried on several additional occasions to discuss the complainant's issues with him, but the complainant has not been cooperative. *The possible root cause appears to be failure of the complainant to accept management's explanation for the non-selection and ineffective communication.*

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The complainant alleges *harassment* based on *race*, *sex*, and *reprisal* when she received letters and telephone calls addressed to her home inquiring about her return and requesting she provide a leave request. Complainant was out for stress related reasons. However, she

had been released to return to duty by her physician. Although management offered a detail assignment for two different positions, which met the requirements of the complainant's medical restrictions, the complainant denied both offers. *The possible root cause of this complaint appears to be a lack of understanding regarding the rules and regulations covering return to work issues and a failure of the complainant to comply with workplace requests updates on reasonable accommodations.*

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The complainant alleges *harassment* based on *race* when a coworker responded to an e-mail message inappropriately. The complainant informed management that she felt the response was inappropriate. Fact-finding revealed that management brought the matter to the attention of the Director's Office, which in turn disciplined the coworker for inappropriate use of the e-mail system. The complainant withdrew the complaint due to the fact that the coworker was disciplined and that one isolated incident does not show a pattern of harassment. This matter was resolved. *The possible root cause appears to be a lack of training.*

The complainant alleges *harassment* based on his *sex* and *race* when his supervisor told him he could possibly be moving to a position that the complainant finds to be less desirable and that a female will assume his current position. No action has been taken at this time, as management made it clear that the idea was just a proposal. The complainant understood that this was a proposed action and withdrew his complaint. *The possible*

ROOT CAUSE QUARTERLY DIGEST

root cause appears to be a misunderstanding of the situation.

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The complainant alleges *harassment* based on *race and hostile working conditions* when the complainant failed to receive adequate training compounded with the high expectations of management. The responding management official allegedly announced that she plans to cancel the complainant's employment prior to the end of the probationary period. Management denies discrimination due to race, after all, "I hired the complainant and knew she was black when I hired her." Management further stated that they had assigned their Program Assistant to sit with the complainant for long periods to train the complainant. *The possible root cause appears to be a lack of effective communication in that the expectations of Management exceed the standards set for the position, as seen from the complainant's perspective, and were not communicated to complainant before she was hired.*

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The complainant alleges *harassment* based on *reprisal, sex, race, and hostile working environment* when he was not selected for the position of "Back Tracker" and when he was written-up for being late. The Management responded that the complainant has a chronic problem with tardiness, and had been spoken to numerous times. He also stated complainant was not selected for the 2 "Back Tracker" position because of his lack of dependability. *The possible root cause*

appears to be that the complainant is unwilling to accept responsibility for the consequences of his actions.

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The complainant alleges *harassment* based on *race and hostile working environment*. The complainant feels she was not given adequate training in her position and that the work assignments were inconsistent. The complainant also indicated that her coworkers harass her because they perceive she is not doing work. Management addressed the fact that complainant was initially in a different position and was making too many errors in her work, so another position was created for her. Management further comments that they are in the process of providing the complainant training. They have met with the complainant and are attempting to work with her diligently to assist her with understanding her duties and to ensure that she understands what is expected of her. *The possible root causes appear to have been lack of effective communication and understanding by the coworkers, as well as a need for sensitivity training.*

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The complainant allege *harassment* based on *race*, when her supervisor, whom she alleges continuously harasses her since she has been on light duty due to having carpal tunnel syndrome, requested she use the other hand to sort the mail and then took her into a hallway, secluded from other personnel, and threatened her. The complainant believes that her supervisor is trying to remove her due to her race.

ROOT CAUSE QUARTERLY DIGEST

During fact-finding it was found that the supervisor denied making the threats and requesting that the employee use her other hand to sort mail. The supervisor claimed that the complainant could not manage the daily task of sorting mail even though it did not require much effort. *The root cause appears to be that there is a need for supervisory and sensitivity training.*

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The complainant alleges *harassment* based on his *race* when the supervisor did not respond to a Report of Contact (ROC) he'd given her in response to being called a liar. Management stated that they felt they had responded to the complainant's ROC, but responded (again) in writing and included an apology. *The possible root cause appears to be lack of effective communication.*

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The complainant alleges *harassment* based on his *race* when the doctor he was working with told him he was "one of those kind of people". The complainant stated that he took the comment to be a derogatory racial comment. However, the doctor indicated that she recalled they had been talking about helping others and that the comment was meant as "oh, you're one of those kind of people that is always willing to help others". *The possible root causes appear to be a misunderstanding in the interpretation of a remark, which is the result of ineffective communication.*

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The complainant alleges *harassment* based on *reprisal* for prior EEO activity when he was issued a proposed suspension. His supervisor stated that the complainant had not followed directions on numerous occasions and that his inability to follow through on job assignments puts the programs he was responsible for in jeopardy. *The possible root cause appears to be lack of effective communication.*

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The complainant alleges *harassment* based on sex when her supervisor directed her to attend a training class. This occurred when the complainant's supervisor told the complainant that she must attend training on the use of the new telephone system. The complainant told the supervisor that she didn't have time to attend the training session. The supervisor reiterated his directive for the complainant to attend the training. The complainant did not adhere to the directive. *The possible root causes appear to be the complainant's failure to adhere to the supervisor's directives and a lack of effective communication.*

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The complainant alleges *harassment* based on *reprisal* for prior EEO activity when his supervisor would not allow him to go to Employee Health. The complainant had filed an informal EEO complaint last year and feels that his supervisor (who was a witness in the informal complaint) is harassing him because of it. The complainant said that he asked his supervisor for permission to go to Employee Health, and the supervisor denied his request. The supervisor said that the complainant

ROOT CAUSE QUARTERLY DIGEST

asked to go to Employee Health at the time that he reported for duty. The supervisor informed the complainant that Employee Health is for employees who are injured or become ill while on the job and not to be used by an employee who comes to work feeling ill. *The possible root causes appear to be the complainant's unfamiliarity with policies and regulations regarding the use of Employee Health.*

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The complainant alleges *harassment* based on *race* when she was issued a letter stating that she was the subject of an Administrative Board of Investigation for soliciting gifts from patients. She also alleges that a police officer *harassed* her based on her *race* when she was issued a parking ticket for parking in a parking spot marked for patients. The Service Chief stated that she was informed by one of the complainant's coworkers that she had received gifts from patients, which is why she is the subject of an investigation. The police officer stated that the complainant had been warned the previous day not to park in the patient parking spots, but the complainant continued to park there and was issued the ticket. *The possible root causes appear to be lack of effective communication and failure on the part of the complainant to accept responsibility for her actions.*

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The complainant alleges *harassment* based on *race* when she was assigned to perform additional duties in the absence of a clerk and when a training issue was mentioned in her

performance appraisal. During the investigation, it was discovered that many employees were performing additional duties, and other employees had the training issue mentioned in their appraisal as well. *The possible root causes appear to be unfamiliarity with policies and regulations and a lack of effective communications.*

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The complainant alleges *harassment* based on *race and reprisal* when he received an admonishment for his involvement in an altercation with a co-worker where he was accused of using profanity. The complainant claims that his supervisor and the Service Chief were not present during the altercation. However, the admonishment included a report of the incident as evidence. The report included a statement from an eyewitness who said the complainant did not use profanity. The report also revealed that no action was taken against the other employee. *The possible root causes appear to be lack of supervisory and managerial training, as well as a lack of effective communications between management and the complainant.*

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The complainant alleges *harassment* based on *reprisal* for prior EEO activity, *hostile working conditions, sex, and race* when he was required to perform duties, which he believed were either not contained in his position description (PD) and/or duties at a higher grade level than his. The investigation revealed that the duties assigned to the complainant were, in fact, duties identified within his PD and were appropriate. Although certain specific

ROOT CAUSE QUARTERLY DIGEST

duties were assigned almost exclusively to the complainant, the basis for such assignment was related more appropriately to accommodation/disability issues. *The possible root causes appear to be a lack of effective communication and misinformation*

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The complainant alleges *harassment* based on *sex, race and a hostile working environment*. A meeting with the Service Chief provides that the complainant was ordered to assist a dentist whose technician was on leave. The complainant was unoccupied at the time, so the Service Chief consulted with the complainant's supervisor and got their permission to utilize the services of the complainant. Upon being informed by the Service Chief that the complainant was to assist the dentist, the complainant replied that she could not work with that dentist because of past problems. The complainant refused to work with the dentist. She informed the Service Chief that she would not work with the dentist and that she was going to the union office to inform them that she was being forced to work with a person she has had problems with in the past. *The possible root causes appear to be lack of effective communication and failure to adhere to the Service Chief's directives.*

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The complainant alleges *harassment* based on *sex and hostile working conditions* when her Nurse Manager denied her permission to attend school. The complainant stated that her attendance to the school was approved by the medical center director, and

because of an altercation between she and her Nurse Manager, her school was denied. The complainant perceived that denial was based on her prior EEO activities (*reprisal*). The EEO Counselor spoke with Human Resources and the Chief of the service. They were informed that the school had been approved and the complainant was scheduled to attend. The Chief of the service stated that he would take care of the situation. The results were shared with the complainant and the case was resolved. Prior to resolution, the complainant and the Nurse Manager were involved in an altercation, which prevented them from effectively communicating with each other. The complainant did not use her chain of command and was not aware that the Nurse Manager did not have the authority to cancel the school without approval from higher authority. Since the chief and the director had approved the school and the school had no effect on patient care, there was no reason to change the approved school.

The possible root cause appears to be lack of effective communication and a need for training relating to Violence in the Workplace.

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Complainant alleges *harassment* based on *race and reprisal* for prior EEO activity when management allegedly took actions against her to force her to retire; actions which included challenging her OWCP claims. Management states that treatment of the complainant is the same as all other employees. They further state that they are required by law to controvert OWCP claims where deemed appropriate. *The possible root causes*

ROOT CAUSE QUARTERLY DIGEST

appear to be unfamiliarity with rules and regulations as well as lack of effective communication.

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The complainant alleges *harassment based on reprisal* when she was not selected for a Nursing Position. The complainant was informed by Human Resources that she was not hired for the position because she did not meet the physical requirements for the job. *The possible root cause appears to be a lack of effective communication and the possible need for clarity as to what the physical requirements for the position are.*

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The complainants allege *harassment based on race and sex* when their Nurse Manager did not approve their promotion to GS-06. An EEO Counselor spoke with the Nurse Manager in regards to the allegations. The Nurse Manager stated that the two LPN's are scheduled for promotion on the next review. After a review of the OPF's, the next scheduled review was the due date for the promotions. The employees did not go to the Nurse Manager before they filed an EEO complaint. Also, the Nurse Manager did not inform the employees of her plan to recommend them for promotion on the next review. *The possible root causes appear to be lack of effective communication and unfamiliarity with the procedures of the annual review process.*

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II

ALLEGATIONS OF SEXUAL HARASSMENT BASED ON SEX

The complainant alleges she was *sexually harassed* by a co-worker who denied knowing her. The complainant made reference to four alleged incidents. The case was investigated and revealed that Management took corrective action once informed about the allegations. The complainant and the alleged harasser gave testimony that remained totally opposite. Their inconsistencies made it difficult to delineate what did or did not happen. *The possible root cause appears to be a lack of effective communications and recantation.*

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The complainant alleges *harassment based on sex* when she was offended by a sexually explicit comment that a coworker made. The complainant feels that the remarks were offensive and considered sexually *harassing*. She wanted the coworker to be terminated. Management thought that the incident had already been addressed with the alleged harasser. Management indicated that they will take appropriate actions to address the conduct of the coworker named in the complaint. *The possible root causes appear to be lack of effective communication and lack of training on the prevention of Sexual Harassment.*

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The complainant alleges that she was a victim of sexual harassment when a coworker felt her breasts as he put his

ROOT CAUSE QUARTERLY DIGEST

arms around her and picked her up as she was stretching. She also alleged that the same coworker walked up to her and put his crotch in her face while she was on her knees in a very small space filing records. Fact-finding revealed that management created a new position description for the complainant and moved her to another area so that the two employees would not run into each other, but failed to inform her that it was not a temporary detail. *The possible root cause appears to be a lack of effective communication and a need for Management to redress the possible victimization of the victim and a lack of Sexual Harassment training.*

The complainant alleges *harassment* based on *sex and hostile work environment* when she was offended by a sexually explicit comment that a coworker made. The complainant felt that it was offensive and considered as sexual *harassment* and wanted the coworker to be terminated. Management thought that the incident had already been addressed with the alleged harasser. Management indicated that they would take appropriate actions to address the conduct of the coworker identified in the complaint. *The possible root causes appear to be lack of effective communication and lack of training on the prevention of Sexual Harassment.*

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The complainant alleges sexual *harassment* when a male co-worker made an inappropriate remark that the complainant perceived as sexual and when he allegedly touched her with his "groin" area after

the remark was made. The complainant reported this to her supervisor who in turn spoke with the alleged harasser's supervisor and was surprised when the alleged harasser's supervisor asked, "what has my Romeo done now?" *The possible root causes appear to be Management's unfamiliarity with procedures with handling Sexual Harassment issues and their seemingly acceptance of certain behaviors of the alleged harasser.*

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The complainant alleges sexual *harassment* and *reprisal* for prior EEO-related activity by citing several incidents over a five-year period in which remarks/comments as described by the complainant are either sexually or racially offensive and were allegedly made by various staff members. The investigation revealed that the complainant, by his own admission, failed to bring the incidents to the attention of either the staff members or his supervisor at the time. When the complainant's most recent supervisor assumed duty, the complainant began to address his complaints to her both verbally and in writing. The record reflected that the supervisor took prompt, appropriate action and provided an immediate written response to the complainant in each instance. *The possible root causes appear to be lack of training on Sexual Harassment and a lack of effective communication.*

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The complainant alleges *harassment* based on *sex and race* when his co-worker allegedly sexually harassed him by walking around in front of him

ROOT CAUSE QUARTERLY DIGEST

and seductively clamping her arms to her chest to produce cleavage. The complainant stated that he met with his supervisor and that although he voiced his concerns, there was very little response or action. The complainant believes Management's lack of action is due to his sex. The supervisors denied that they were informed. *The possible root cause appears to be lack of enforcement of policies set forth by the Agency and VA and a possible need for Sexual Harassment and Sensitivity training.*

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III

WORKING CONDITIONS (HOSTILE) **ALLEGATIONS BASED ON RACE,** **SEX, AND REPRISAL**

The complainant *alleges hostile working conditions* based on *race* and *reprisal* when her supervisor allegedly allowed a co-worker to harass her. It appeared that the complainant was upset because she had to take part in a move for a nurse executive of a different race, whom the complainant seemingly felt was beneath her. She complained that the other woman was treated better than she and that Management did not communicate with her regarding the move. However, the interior designer responsible for the move provides that the complainant was informed of the move by a "move slip", which was placed on her desk a week earlier. *The possible root causes appear to be to miscommunication, a lack of diversity awareness training, and a lack of effective communication.*

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The complainant alleges *hostile working environment* based on verbal statements and attempts of physical abuse by a patient towards the her. Although management was aware of the situation, the complainant was not removed from the environment. Management's reason for not removing the complainant was based on the alleged failure of the complainant to request a reassignment. The complainant felt this patient should have been transferred to an appropriate unit that could handle his psychological behavior. *The possible root cause appears to be Management's failure to rectify a possibly hazardous workplace situation and a lack of training on Workplace Violence.*

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The complainant alleges *hostile working environment* based on race, national origin and age. The employee believes he was treated disparately and was rudely spoken to during an assignment. The EEO Counselor identified some people skill problems with the manager. Management indicates that they are working with the complainant to improve their communication skills. *The possible root causes appear to lack of supervisory training and failure to properly communicate with staff members.*

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Five complainants allege *hostile working environment* based on *sex*, which was created by an employee who has been placed in their section as part of an accommodation. The perception is that

ROOT CAUSE QUARTERLY DIGEST

the employee is taking advantage of his disability and accommodation. Management is allegedly allowing this individual to get away with things no other employee would be allowed to do. *The possible root causes appear to be failure of management to communicate with staff the parameters of the accommodation and a lack of sensitivity training.*

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The complainant alleges *hostile working environment* based on sex when she was threatened by a male-co-worker. Management feels the problem is a personality conflict between the two employees. Management is doing mediation with both employees. *The possible root causes appear to be a lack of effective communications between the complainant and her co-worker and a lack Workplace Violence training.*

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The complainant alleges *hostile working environment* based on race, sex, and reprisal when he was issued a letter informing him to improve his counseling activities before the end of the rating period. The RMO also asked him to respond in writing to an allegation of improper conduct in one of his counseling cases. The RMO denies discrimination in any form. The written letter of performance was issued to all counselors at the full performance level and was not a part of their official personnel files. The RMO did ask the complainant to respond in writing to an allegation of an improper comment during counseling. He responded appropriately and no action was taken. *The possible root causes appear to be*

lack of effective communications and a need to address interpersonal skills as they relate to the complainant's profession.

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The complainant alleges *hostile working environment* based on race when she was subjected to humiliation, stress, and mental anguish by a co-worker who allegedly acts as if she is complainant's supervisor. The complainant has brought this to the attention of higher level management, but nothing has been done. Management asserts that the individuals involved both work at a small office, and thus interaction between the two individuals cannot be avoided in that neither one wants to transfer to a larger facility. *The root causes appear to be personal animosity between these two individuals and a lack of effective communication, as well as failure of Management to take the necessary action to prevent further complications.*

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The complainant alleges *hostile working conditions* based on race when her supervisor continuously checked her attendance and intimidates her with threats, as well defame her character. The supervisor stated that his duties include monitoring the attendance of all employees under his supervision. He also indicated that the complainant has demonstrated a less than stellar leave record. The investigation revealed that the complainant felt her supervisor singled her out and unfairly held her to higher standards than other employees in the unit. *The possible root causes appear to be poor communication skills,*

ROOT CAUSE QUARTERLY DIGEST

a need for sensitivity, supervisory training for the supervisor, and unfamiliarity with rules and regulations.

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IV

ALLEGATIONS OF FAILURE TO PROMOTE BASED ON RACE, SEX, AND REPRISAL

The complainant alleged *failure to promote* based on *race* when he assumed the selectee was a part-time employee and did not qualify for the position. Witness testimony and evidence contained in the merit promotion file shows that the selectee was a full-time career employee and was better qualified based upon education, training and experience. *The possible root cause appears to be misinformation.*

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The complainant alleges a *failure to promote* based on his *race* and *sex* when he was not promoted because of the additional duties that he incurred and when his service merged with another department. The complainant rewrote his position description (PD) and was advised by the director to have it reclassified through COHO. The responding management official response was that they could not find the PD that the complainant rewrote, nor could they confirm that the PD was inputted into COHO. After interviewing all parties involved, it was found that the PD was never inputted into COHO. *The possible root causes appear to be lack of effective communication, failure to follow through on a task and*

unfamiliarity of policies and regulations relating to reclassification, as to whether the job was entered into the system.

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Complainants allege a *failure to promote* based on his *sex* and *reprisal* when the complainant, without the concurrence of the higher echelon, were permitted to each assume a title for a position they did not hold. The investigation provided that the complainants also filed complaints alleging a breach of what they assumed to be a Settlement Agreement between them and management. The complaint dealt with who the complainants' supervisor would be and the position titles the complainants would utilize. Without acquisition of prior authorization and concurrence from the higher echelon, the local Management official agreed to allow each of the complainants to utilize the same title as the selectee. When the higher echelon became aware of the transgression, the local Management official was directed to correct the situation, immediately. He did by having the complainants resume their original position titles and by informing them that they would be supervised by the selected candidate. *The possible root causes appear to be that the immediate supervisor was unfamiliar with policies and regulations, a lack of effective communication, and misinformation.*

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The complainant alleges *failure to promote* based on *race* when she was not selected for a promotional opportunity for which she felt that she was the better-qualified candidate.

ROOT CAUSE QUARTERLY DIGEST

The complainant stated that the position involved working in an area populated by a very large non-English speaking community and that the selectee would not be able to communicate effectively with this group. Upon preliminary fact-finding, it was discovered that the actual position announcement did not require the incumbent to be bilingual. *The possible root cause appears to be misinformation.*

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The complainant alleges *failure to promote* based on reprisal and race when her position was reclassified to GS-11. She received an electronic transmission from the Director of Human Resources, congratulating her on her promotion and providing with the effective date of her promotion. The complainant's supervisor subsequently informed her, that she did not meet the qualification or education requirements for the series of the newly classified position and therefore, did not get the promotion. *The possible root causes appear to be a breakdown in the promotion process, management's failure to announce the position appropriately and misinformation.*

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The complainant alleges *failure to promote* based on *reprisal* for prior EEO activity when she was not selected for the medical center's Patient Representative GS-9 position. The RMO responded that all the candidates had different strengths they brought to the job. He selected the person he perceived was best for the position. *The possible root cause appears to be that the complainant had a lack of*

understanding concerning the policy pertaining to priority consideration.

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The complainant alleges *failure to promote* based on *reprisal* for prior EEO activity when he was not selected for a Supply Technician position. The complainant has applied for several positions within the RMO's unit but was never selected. The complainant believes it's *reprisal* because the RMO was name in a prior EEO Complaint. The RMO stated the applicant who was selected was an employee who was already working in the unit and that the selected employee has experience in medical supply, has done inventory, and has two years of CSU experience. She denies discrimination, but states that she selects the person who is best qualified for the position. *The possible root cause appears to be the complainant's lack of understanding of how the selection process works.*

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The complainant alleges *failure to promote* based on sex and age when he was not selected for a promotion to a Program Support Assistant GS-6 target position. The complainant states the RMO is allegedly friends of the female who was selected and who is under forty years of age. The RMO shared the interview procedure process and denied the allegations by the complainant. *The possible root cause appears to be a lack of effective communication and understanding of the selection process. .*

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ROOT CAUSE QUARTERLY DIGEST

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The complainant alleged *failure to promote* based on sex and *reprisal*. *Reprisal* because the complainant believes that a position was allegedly downgraded to qualify the relative of a front-line staff official. Management stated that the reason for the downgrade from a GS-12 to GS-11, was due to a reorganization resulting from RIF actions. The reduced workload no longer warranted the higher grade. *The possible root cause appears to be a lack of effective communication, as the complainant was not provided a reason for the position downgrade.*

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The complainant alleges *failure to promote* based on race when he was not promoted in his unit. Management stated that complainant, who had been terminated several years earlier for coming to work drunk, had started working as a temporary employee and was converted to permanent part time and that they wanted to wait for him to complete his year's probationary period before considering him for promotion. A formal complaint was filed and is pending investigation. *The root causes appear to be lack of effective communication and complainant's lack of understanding and possible knowledge of management's plan.*

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The complainant alleges *failure to promote* based on race and sex when he was not selected for a target grade position. Management stated that promotion to the target grade is

contingent upon satisfactory work performance and conduct, adequate funding, and the availability of the higher graded position. But the complainant has been having both performance and time and attendance problems. *The possible root causes appear to be lack of effective communication and a misunderstanding of the requirements for promotion.*

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The complainant alleges *failure to promote* based on sex when she was detailed in 1995 assuming the responsibilities of the Chief Chemist, who was a GS-12. The Chief Chemist has since passed. As a result the complainant, who is currently a GS-11, already performing the duties, requested a promotion, which was not granted. The responding management official stated that they did not realize the complainant had been and still is working in a detailed position with increased responsibilities. *The possible root cause appears to be Management's lack of awareness of the capabilities of the complainant and the responsibilities she currently holds, a lack of effective communication.*

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The complainant alleges *failure to promote* based on sex when she was not selected for promotion to a Nurse III while a male nurse has been promoted to a Nurse III. The supervisor stated that documentation in the complainant's Official Personnel Folder (OPF) does not support the criteria required for promotion to Nurse III as outlined in Nurse Qualification Standard Circular 00-93-07, Section B, Grade

ROOT CAUSE QUARTERLY DIGEST

Requirements, page C-5 and C-6 and letter d. and d.1. *The root causes appear to be surrounding the lack of clarity of the criteria necessary to get promoted to a Nurse III level and unfamiliarity with rules and regulations.*

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The complainant alleges *failure to promote* based on sex when he was not selected for a Help Technician job. Eight positions were open and eight females were selected. The panel was composed of four females also. In a meeting with the selecting official, he stated that a male was selected for the position. The reason the complainant was not selected was because he did not score high enough from the panel to be referred for an interview. *The possible root cause appears to be lack of effective communication and understanding of the selection process.*

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The complainant alleges a *failure to promote* based on race when he was not promoted from his temporary boiler plant operator's position, WG-8 to a full-time utility systems operator's position, WG-10. During the investigation, evidence showed that the complainant was a temporary employee whose appointment had expired. In addition, the position as utility systems operator was not vacant at the time at issue. *The possible root causes appear to be misinformation, unfamiliarity with rules and regulations, and lack of effective communication.*

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The complainant alleges *failure to promote* based on race when on three different occasions he was not selected for several announced positions. During

the investigation, it was discovered that the complainant applied and was not selected for three positions that were filled by other applicants whom management felt either had more experience, had better qualifications, and were more trustworthy than the complainant. In addition, during the application process, management learned that the complainant had falsified his initial application for employment by omitting that he had previously been removed from government employment for falsifying documents. *The possible root cause of this allegation appears to be failure of the complainant to realize that his actions and apparent pattern of falsification is the root cause of his problems.*

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The complainant alleges failure to promote based on race because he has been performing the duties of a WS-10 since July 1992 while being paid as a WS-8. His immediate supervisor stated that the paperwork to upgrade the complainant's position was submitted to his Service Chief in Feb 1998. Shortly afterwards, the Service Chief retired. The new Service Chief decided not to upgrade the complainant's position because his service is going through a re-organization and was not sure of what would happen to the complainant's position. *The possible root causes appear to be a lack of effective communication and management's failure to compensate the complainant for performing at a higher grade.*

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